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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DONALD J. TRUMP FOR PRESIDENT,
INC., REPUBLICAN NATIONAL
COMMITTEE, NEW JERSEY
REPUBLICAN STATE COMMITTEE,

Plaintiffs,

v.

TAHESHA WAY, in her official capacity
as Secretary of State of New Jersey,

Defendant.

No. 3:20-cv-10753-MAS-ZNQ

**PLAINTIFFS' MOTION FOR ORDER TO
SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

Plaintiffs hereby move for an order to show cause why a preliminary injunction should not issue enjoining enforcement of New Jersey's new legislation authorizing (1) election officials to begin canvassing ballots 10 days before Election Day and (2) election officials to canvass ballots received up to 48 hours after Election Day that contain no postmark. *See* An Act Concerning the Establishment of Mail-in Ballot Drop Boxes Before Each Election and Vote-by-Mail Procedures for the November 2020 General Election, NJ LEGIS 72 §2(m) (2020) (codified at N.J. Stat. §19:63-31(m)). Those two provisions are preempted by a trio of statutes that Congress passed to create a single, uniform Election Day. *See* 2 U.S.C. §1, 7; 3 U.S.C. §1. This motion is based on the memorandum, declaration, and exhibits filed herewith, and the pleadings on file. Pursuant to Local Rule 65.1, an expedited posture is necessary for reasons provided in the declaration of Bryan Weir, attached hereto.

Pursuant to the Court's September 14 order, counsel for Plaintiffs conferred with counsel for Defendant Tahesha Way and Intervenor-Defendant DCCC on a proposed briefing schedule for this motion. Counsel for Defendant and Intervenor-Defendant deferred agreeing to a briefing schedule pending review of this motion once it was filed. The parties anticipate updating the Court today with their views on a proposed briefing schedule.

Dated: September 16, 2020

Respectfully submitted,

/s/ Michael L. Testa Jr.

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